Los Angeles County Sheriff's Department

Officer Involved Shooting

Report Date:	Bureau/Station/Facility:	Admin. Invest.?	Hit?
02/03/12	Compton Station	[ ]	[ ]

Incident Information

URN: 012-01493-2822-055	Date: 02/03/12 — Time: 1910 hours
City or Station: Compton	Nature of Incident: Deputies contacted a group of three males and one female. As the deputies contacted the group, Suspect Lozano fled on foot. As the deputies chased the suspect, he turned toward them and appeared to be armed with a handgun. Deputy Aviles shot twice at the suspect, missing him. The suspect escaped and was later caught within the containment.
Location: [redacted]E. Cedar Street	

Location Type (*circle one or more*):
- Backyard
- Beach
- Business
- Freeway
- Industrial
- Park
- Parking Lot (circled)
- Residence
- Rural
- School
- Street
- Other: ____________

Lighting (*circle only one*):
- Darkness (circled)
- Daylight
- Other
- Street Lights

Weather (*circle only one*):
- Clear (circled)
- Cloudy
- Fog
- Rain

Distance: 10'

Incident Type (*circle one or more*):
- Accidental
- Armed Person (circled)
- Fleeing Suspect (circled)
- Foot Pursuit (circled)
- Gun Take Away
- Moving Vehicle
- Sniper/Ambush
- Startle
- Struggle Involved
- Traffic Stop
- Unarmed Person
- Unintentional
- Vehicle Pursuit
- Warrant Service
- Warning Shot
- Other: ____________

Initiated by (*circle only one*):
- Arrest Warrant
- Call
- Observation (circled)
- One Person Unit
- Other
- Search Warrant
- Two Person Unit (circled)

Prior Activity (*circle only one*):
- Detective
- Inmate Transport
- Other
- Routine Patrol (circled)

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect
2	0

Aero Unit? [X] Canine Unit? [X]

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
[redacted]	Moreno	Eric	M.	EM, PM (circled), Day	Regular (circled), Overtime, Off Duty
				EM, PM, Day	Regular, Overtime, Off Duty
				EM, PM, Day	Regular, Overtime, Off Duty

Non-Employee Witnesses

Last Name [redacted]		First Name [redacted]		M.I. [redacted]	
Street Addre[redacted]	City [redacted]	Zip [redacted]	[redacted]	[redacted]	
Last Name [redacted]		First Name [redacted]		M.I. [redacted]	
Street Addre[redacted]	City [redacted]	Zip [redacted]	[redacted]	[redacted]	
Last Name [redacted]		First Name [redacted]		M.I. [redacted]	
Street Address[redacted]	City [redacted]	Zip[redacted]	Work Ph [redacted]	Home Ph [redacted]	

Supervisors

Employee #	Last Name	First Name	M.I	(*circle one or more*)
[redacted]	Modica	Michael	A.	On Duty (circled); Present during shooting; Witness to shooting; Involved in shooting
[redacted]	Larson	Leslie	A.	On Duty (circled); Present during shooting; Witness to shooting; Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Martinez	Richard	J.

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Young	Susan	E.

PSTD Use Only
SH # 2306268

SH-R-438A rev. 3/07

See Reverse

Officer Involved Shooting

URN: 012-01493-2822-055

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
02-03-12	2050 hours	08-17-12	

Employee #	Last Name	First Name	M.I
[redacted]	Ault	Alicia	E.
[redacted]	Smeltzer	Chad	E.
[redacted]	Denison	Trent	A.

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S#1	E#1	UC						
E#1	S#1	FH	BR	9	Y	Y	NN	

See Front Side

Officer Involved Shooting
Involved Employee Information

URN: 012-01493-2822-055

Involved Employee

E 1

Employee # [redacted]	Last Name Aviles	First Name David	M.I. --
Sex: M Race: H	Rank: Deputy	Unit Assignment: Compton Station	Work Assignment (Unit #, Module, etc.): Unit #285D
ShiftTime (*circle only one*): EM (PM) Day	ShiftType (*circle only one*): (Regular) Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used: N/A
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # N/A — Interviewed? ☒
Hrs of sleep prior to shooting: 6 hours	Duty Time (hrs): 4 hours	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, (Uniform w/ Vest)	Other Factors:
Age: [redacted] Height: 5'08"	Weight: 210 lbs.		
Range Qualification Date: [redacted]		PPC Qualification Date: [redacted]	Laser Training Date: [redacted]
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted] Prior Shootings? [redacted]	Number of Prior Shootings: [redacted] Directed Force: [redacted]
Weapons Fired Brand: Beretta	Caliber 9mm # Shots 2	Weapons Fired Brand:	Caliber # Shots
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]

E ___

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank:	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # — Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:		PPC Qualification Date:	Laser Training Date:
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit: Prior Shootings? ☐	Number of Prior Shootings: Directed Force: ☐
Weapons Fired Brand:	Caliber # Shots	Weapons Fired Brand:	Caliber # Shots
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E ___

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank:	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # — Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:		PPC Qualification Date:	Laser Training Date:
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit: Prior Shootings? ☐	Number of Prior Shootings: Directed Force: ☐
Weapons Fired Brand:	Caliber # Shots	Weapons Fired Brand:	Caliber # Shots
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

See Other Side

Officer Involved Shooting
Suspect Information

URN: 012-01493-2822-055

Suspect Information

S 1

Last Name Lozano		First Name Ramiro	M.I.
AKA Last Name aka "Fox"		First Name	M.I.
Sex: M Race: H	Street Address: [redacted]	City [redacted]	[redacted] & Zip [redacted]
Work Phone[redacted]	Home Ph[redacted]	Social Secu[redacted]	Driver's Licens[redacted]
Age: 34 D.O.B. 04-12-76	Height: 507 Weight: 167	FBI # [redacted]	CII # [redacted]
Booking # 3037511	Primary Charge: 245(d)(1) PC	Secondary Charge: 25400(a) PC	
Coroner Case? ☐	Coroner Case # N/A	Intoxication/Drug Usage? ☒	Substance Used: Beer
Armed? ☐	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

See Other Side

SUPPLEMENTAL NON-EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Non-Employee Witnesses

Last Name [redacted]	First Name [redacted]		M.I. [redacted]
Street Address [redacted]	Zip Code [redacted]	Work Ph [redacted]	Home Ph [redacted]
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

INVESTIGATIVE SUMMARY

DEPUTY INVOLVED SHOOTING

UNIT: COMPTON STATION

DATE / TIME OF INCIDENT: FEBRUARY 3, 2012 (FRIDAY) / 1910 HOURS

LOCATION: [redacted] EAST CEDAR STREET
COMPTON

URN: 012-01493-2822-055

IAB #: SH2306268

OPENING STATEMENT

On Friday, February 3, 2012, IAB investigators Sergeant Chad Smeltzer, Sergeant Trent Denison and Lieutenant Alicia Ault responded to a command post erected by Compton Station personnel regarding a Deputy Involved Non-Hit Shooting. Investigators learned from Compton Station personnel that Compton Station Deputy David Aviles was involved in a non-hit shooting during a pedestrian stop.

SYNOPSIS

On February 3, 2012, at approximately 1910 hours Deputy Aviles and his partner Eric Moreno were driving east on Cedar Street when they saw three males and one female in front of [redacted] Cedar Street drinking alcoholic beverages (beer) and smoking cigarettes. When they stopped to contact the group and conduct a drinking in public investigation, one male, Suspect Ramiro Lozano, ran west and then south around the corner of an apartment building. The deputies ran after the suspect and ordered him to stop and show his hands. The suspect refused to comply with the deputies verbal commands and he kept his hands in his waistband area as he ran to the parking lot at the rear of the apartment complex.

While running the suspect fell to the ground on two separate occasions. On each occasion, the suspect refused orders to stop and show his hands to the deputies. Deputy Aviles believed the suspect was armed with a weapon and unholstered his duty weapon.

As the suspect continued to run through the rear parking area, the suspect jumped on top of vehicle which abutted a wood fence. The suspect turned toward Deputy Aviles, who saw the suspect pointed a dark colored handgun at him. Fearing for his life, Deputy Aviles fired two rounds from his Department issued Beretta 9mm handgun, missing the suspect. The suspect then jumped over the fence, out of view.

A containment was established and the suspect surrendered from his hiding location under a parked vehicle located at [redacted] when SEB K-9 announcements were made. No force was used to take the suspect into custody.

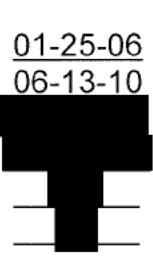
An article search was conducted for the suspect's weapon which met with negative results. The suspect's cell phone and a four inch folding knife were recovered on the opposite side of the fence from where the shooting occurred.

The rounds from Deputy Aviles' weapon penetrated the wood fence and the exterior and interior walls of a residence located at [redacted] No one inside the home was injured.

INVOLVED PERSONNEL AND EMPLOYEE WORK HISTORY

Deputy David Aviles #[redacted]
Compton Station

Date of employment	01-25-06
Date assigned to patrol	06-13-10
Date completed patrol training	[redacted]
Date assigned to Compton Station	[redacted]
Prior shooting incidents	[redacted]
Prior founded force incidents	[redacted]



SUSPECT INFORMATION

Ramiro Lozano
Male, Hispanic, DOB: 04-12-76, Booking #3037511, 5'7", 167 lbs
[redacted], [redacted]
CII #[redacted] MAIN #[redacted] FBI #[redacted]

Suspect Lozano was arrested for Assault with a Deadly Weapon (Firearm) on a Peace Officer, 245 (C) PC and Possession of a Concealed Firearm, 25400(A)(2) PC.

WITNESSES



Eric M. Moreno	Deputy Sheriff
[redacted]	Bystander
[redacted]	Bystander
[redacted]	Bystander
[redacted]	Bystander

INJURIES

Deputy David Aviles was not injured.

Suspect Ramiro Lozano did not receive any injuries from Department personnel. He received dog bites to his left hand, left thigh and right calf **[Exhibits E, I & L]** from a citizen's dog as he ran through the yard of a home.

PHYSICAL EVIDENCE

Three twelve ounce Miller Highlife beer cans were located in front of [redacted] E. Cedar Street. Two expended 9mm cartridge cases were located in the rear parking area of [redacted] E. Cedar Street. A white Chevrolet Camaro (CA license # [redacted]), was parked in the rear parking lot located at [redacted] E. Cedar Street. Two apparent bullet holes were located in the wood fence that separated [redacted] E. Cedar Street and [redacted]

A blue handled folding pocket knife and a black and silver Metro PCS cellular telephone was recovered by OSS Detective [redacted] **[Exhibits A & S]** from the rear yard of [redacted] prior to processing of the shooting scene by IAB and Crime Lab personnel.

Two apparent bullet holes were located in the wooden fence that separated [redacted] E. Cedar Street and [redacted] Two apparent bullet holes were located in the exterior and interior walls of the house located at [redacted] One expended bullet was recovered from the livingroom of the house located at [redacted] A second expended was not recovered and appeared to lodged into the hollow portion of a bedroom closet door. For specific locations and measurements of the indicated items, refer to Crime Lab Supplemental Reports and diagrams **[Exhibits F, G & H]**.

INVESTIGATORS OBSERVATIONS

IAB investigators responded to the shooting scene and observed three twelve once Miller Highlife beer cans located in the front of [redacted] E. Cedar Street. Two partially smoked cigarette sticks were located in front of the apartment complex located at [redacted]

[redacted] A street light was located at the mouth of the driveway of [redacted] E. Cedar Street and was operational at the time the shooting scene was processed.

Two expended 9mm casings were observed in the rear parking area of [redacted] E. Cedar Street near a parked white Chevrolet Camaro (CA license # [redacted]. The rear of the Camaro was parked against a wood fence that separated [redacted] E. Cedar Street and [redacted] Additionally, IAB investigators observed an exterior light affixed to the south side of the apartment building that was illuminated at the time of the shooting scene processing. Refer to five photographs and a diagram used during Witness Aviles' and Witness Moreno's IAB interviews **[Exhibits J & K]**. The photos were printed shooting scene photograph disc **[Exhibit O]**.

WEAPON USED BY DEPUTY AVILES

Deputy Aviles fired two rounds of Department issued 9mm ammunition from his Department issued Beretta 92FS 9mm semi-automatic pistol.

WEAPON USED BY SUSPECT LOZANO

No firearm was located on or near Suspect Lozano. An approximate four inch folding knife was located in the rear yard of [redacted]

PROPERTY DAMAGE

Two bullets fired by Deputy Aviles penetrated the exterior and interior walls of a house located at [redacted]

CRIMINAL INVESTIGATORS AND CHARGES FILED

Investigator:	Detective [redacted] Compton OSS
Charges Filed:	Two counts of Resisting an Executive Officer, 69 PC were filed on Suspect Lozano.
Case Status:	On February 7, 2012, Suspect Lozano plead nolo contendre to one count of Resisting an Executive Officer and was sentenced to sixteen months in county jail.

LIGHTING AND WEATHER CONDITIONS

The shooting took place during the hours of darkness at approximately 1910 hours. The weather was cool, dry and clear.

WITNESS STATEMENTS

The following narratives are intended only as a synopsis of the interviews. Additional information and precise wording may be obtained by reviewing the digitally audio recorded interviews and verbatim transcriptions.

DEPUTY DAVID AVILES

*Deputy David Aviles authored a Supplemental Report **[Exhibit B]** regarding his actions and observations. During Deputy Aviles' IAB interview, a diagram and five photographs were used for clarification **[Exhibit J]**. The photographs were printed from the crime scene photo disc **[Exhibit O]**.*

On May 9, 2012, IAB Sergeants Chad Smeltzer and Patrick Kim conducted a shooting review interview with Deputy David Aviles. Deputy Aviles was represented by Mitchell Kander from the Green and Shinee legal office. Deputy Aviles said on February 3, 2012, he was assigned to Compton Station patrol Unit 285D with his partner Eric Moreno. Deputy Aviles and Deputy Moreno had worked together approximately two months prior to the incident. Deputy Aviles was assigned to Compton Station for approximately one and a half years prior to this incident.

Deputy Moreno drove their marked patrol car eastbound on Cedar Street from Willowbrook Avenue. Deputy Aviles said the area was a known Compton Varrio Tortilla Flats area. As the deputies traveled eastbound on Cedar Street Deputy Aviles saw three male Hispanics and one female Hispanic standing in front of an apartment building drinking alcoholic beverages.

As the deputies approached the group, Deputy Moreno stopped their marked Sheriff's Department patrol car, so the deputies could conduct a drinking in public investigation. He estimated the patrol car was parked fifteen to twenty feet from the group. Deputy Aviles saw a male Hispanic, later identified as Suspect Ramiro Lozano, wearing a gray hooded sweatshirt and blue jeans. The suspect sat leaning against the apartment building with his hands located in his waistband area. Deputy Aviles saw a beer can on the sidewalk close to the suspect. As Deputy Aviles exited the patrol car, the suspect stood and ran westbound on the sidewalk away from the other members of the group. The suspect kept his hands in his waistband area as he ran.

Deputy Aviles ordered the suspect to stop and show his hands. The suspect ignored Deputy Aviles' commands and ran southbound into the driveway of the apartment complex. Deputy Aviles ran after the suspect to maintain visual contact of the suspect.

As the suspect ran southbound in the driveway, he fell to the ground on his stomach and continued to hold his waistband with his left hand. Deputy Aviles believed the suspect was attempting to retrieve a firearm and unholstered his Beretta. He pointed his Beretta at the

suspect and ordered the suspect to stop and show his hands. Deputy Aviles estimated fifteen to twenty feet separated him and the suspect where the suspect had fallen to the ground.

The suspect ignored Deputy Aviles' commands, stood and continued to run in a southeastern direction into the rear parking lot behind the apartment building. After the suspect had run for approximately fifty to seventy feet, he again fell to the ground chest first. Deputy Aviles continued to order the suspect to stop. The suspect ignored Deputy Aviles' commands, stood and ran toward a parked white Chevrolet Camaro. The suspect jumped onto the rear portion of the vehicle, which was parked close to a wooden fence.

As the suspect stood on the vehicle, he turned toward his left and retrieved a dark colored firearm from his waistband and held it with his right hand. The suspect held the handgun at waist level and pointed it toward him. Deputy Aviles feared for his life and fired two rounds at the suspect from his Department issued Beretta, fearing the suspect was preparing to shoot him. After Deputy Aviles shot at the suspect, the suspect jumped over the fence and Deputy Aviles lost sight of him. Deputy Aviles believed he had not struck the suspect with his gunfire and he was twenty to twenty-five feet from the suspect at the time of the shooting.

He and his partner did not attempt to chase the suspect after he lost sight of the suspect. Deputy Aviles broadcast on his portable radio that he had been involved in a shooting. Deputy Aviles said he did not have the opportunity to broadcast that a suspect was fleeing from them as he chased the suspect, because he held his flashlight in his left hand and his Beretta in his right hand.

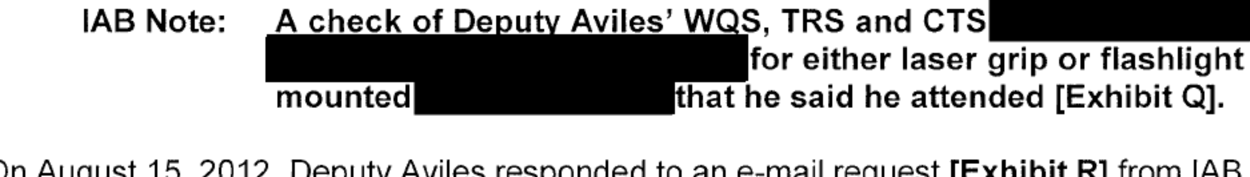
Deputies Aviles and Moreno ran back to Cedar Street where he had encountered the group. Deputy Aviles positioned himself near the corner of Cedar Street and Willowbrook Avenue to contain the suspect's movement. He broadcast additional information to responding units to establish a containment of the suspect. He requested a unit to respond to his location to assist him in detaining the remaining members of the group.

Deputy Moreno repositioned their patrol car one block south on Elm Street at Tamarind Avenue. Deputy Aviles believed Deputies Giles and [redacted] were the first deputies to arrive at his location and they detained the group that had not fled from him. The suspect was located on Elm Street by assisting deputies. Deputy Aviles responded to the location and identified the suspect as the person who had fled and pointed a handgun at him. He did not speak with the suspect, nor did he observe any injuries to the suspect.

Deputy Aviles reported the shooting to Field Sergeant Michael Modica, who had responded to the incident.

Deputy Aviles chose to chase the suspect, because his previous experience had been that suspects who possessed firearms, generally flee from view so they can discard the weapon. Deputy Aviles said he and his partner had discussed tactics dealing with fleeing suspects prior to this incident. It was his understanding that he, as the bookman, should have broadcast on the Sheriff's radio that the suspect had fled from them.

Deputy Aviles said his Beretta had a Surefire X300 tactical light mounted to it and it was equipped with laser grips. Deputy Aviles did not have the opportunity to use the tactical light or his laser grips. Deputy Aviles said he [redacted] for both the laser grips and the flashlight mounted to his Beretta.



IAB Note: A check of Deputy Aviles' WQS, TRS and CTS [redacted] for either laser grip or flashlight mounted [redacted] that he said he attended [Exhibit Q].

On August 15, 2012, Deputy Aviles responded to an e-mail request **[Exhibit R]** from IAB Sergeant Smeltzer after he conferred with his represenative, Mitchell Kander. In Deputy Aviles' e-mail, he stated the model number of the laser mounted to his Beretta was an LS-Beretta-LG 302. He did not recall the date he attended laser pistol [redacted] but stated he attended between [redacted] and [redacted]

Deputy Aviles stated he viewed the tactical pistol light [redacted] between [redacted] and [redacted] He filled out the required scantron form and signed an APIS training roster. He submitted the APIS roster to the Men's Central Jail training staff, but did not recall submitting the scantron form.

Deputy Aviles stated the eighteen round magazines he carried at the time of the shooting were MEC-GAR M9 magazines. He did not have approval from his Division Chief to carry the magazines and stated the magazines are flush with the end of the magazine well when inserted into his Beretta **[Exhibit R]**.

DEPUTY ERIC MORENO

*Deputy Eric Moreno authored a Supplemental Report **[Exhibit C]** regarding his actions and observations. During Deputy Moreno's IAB interview, a diagram and five photographs were used for clarification **[Exhibit K]**. The photographs were printed from the crime scene photo disc **[Exhibit O]**.*

On May 9, 2012, IAB Sergeants Chad Smeltzer and Patrick Kim conducted a shooting review interview with Deputy Eric Moreno. Deputy Moreno was represented by Mitchell Kander from the Green and Shinee legal office. Deputy Moreno said on February 3, 2012, he was assigned to Compton Station patrol Unit 285D with his partner David Aviles. Deputy Moreno and Deputy Aviles had worked together approximately one month and a

half months prior to the incident. Deputy Moreno was assigned to Compton Station for approximately five and a half years prior to this incident.

Deputy Moreno drove their marked patrol car eastbound on Cedar Street from Willowbrook Avenue with his vehicle high beams activated. As he drove his marked Sheriff patrol car, he saw a group of three male Hispanics and one female Hispanic standing in front of an apartment complex and appeared to be drinking from beer cans. Deputy Moreno said the area was a known Tortilla Flats gang hangout. At the time the deputies contacted the group, it was dark and nearby street lights were illuminated.

Deputies Moreno and Aviles decided to contact the group to conduct a drinking in public investigation. As he stopped their patrol car approximately ten feet from the group, Deputy Aviles exited the patrol car from the front passenger seat. As the deputies stopped, a male Hispanic, later identified as Suspect Lozano, was sitting on the sidewalk holding a beer can. As the deputies exited the patrol car, the suspect stood and ran westbound on the sidewalk, holding his waistband with both hands.

Deputy Aviles ran after the suspect and ordered him to stop running. Deputy Moreno saw that the other members of the group remained seated and did not attempt to flee. Deputy Moreno ran after the suspect and his partner. He held his full sized Streamlight flashlight in his left hand and his duty weapon in his right hand. The suspect ran southbound into the apartment driveway. After approximately ten feet, the suspect fell to his knees with his back to the deputies. Deputy Moreno believed the suspect tripped due to the rough pavement surface. Deputy Moreno and Deputy Aviles ordered the suspect to stop, but the suspect stood up and continued to run. After the suspect ran approximately twenty feet, he fell to his knees again. The deputies again ordered the suspect to stop and show his hands, but he did not comply.

The suspect ran approximately five to seven feet and jumped on top of the trunk of a parked vehicle that was located against a wood fence. As the suspect stood on top of the parked car, he turned to his left and Deputy Moreno saw the suspect held a dark medium sized semi-automatic handgun in his right hand pointed toward Deputy Aviles. He did not hear or see the suspect shoot at them.

Deputy Aviles fired his handgun twice at the suspect. Deputy Moreno did not shoot at the suspect, fearing he could possibly strike Deputy Aviles who was positioned approximately five to ten feet in front of him. The suspect jumped over the fence and Deputy Moreno said he heard the suspect running in a southeast direction.

After Deputy Aviles fired at the suspect, Deputy Moreno heard him broadcasting information related to the shooting on the Compton dispatch frequency. Deputy Moreno immediately ran back to their patrol car and drove it to the intersection of Elm Street and Tamarind Avenue in an attempt to contain the suspect's movement.

Deputy Moreno heard Deputy Aviles establishing a containment of the area. He estimated the first responding unit arrived within one minute. With the assistance of responding deputies, the suspect was detained on Elm Street. Deputy Moreno participated in a field show-up of the suspect and identified him as the person who ran from them and pointed a firearm at them. Deputy Moreno did not see any injuries to the suspect and was unaware if he had been bitten by a dog during the incident.

Deputy Moreno said as he and his partner ran after the suspect, he may have briefly lost sight of the suspect as turned into the apartment driveway, but he never lost sight of his partner. As the deputies chased the suspect, Deputy Moreno estimated fifteen feet separated him and his partner. Deputy Moreno estimated Deputy Aviles was approximately twenty to twenty five feet behind the suspect.

Deputy Moreno said his understanding of which deputy should broadcast information depended on the situation. He said while inside of the patrol car the bookman should broadcast information related to an incident. He explained in a foot pursuit situation, the deputy furthest from the suspect or the deputy that can safely access the radio, should broadcast the incident.

Deputy Moreno reported his involvement in the incident to Field Sergeant Michael Modica, who responded to the incident.

WITNESS [redacted]

Witness [redacted] was a member of the group Deputies Aviles and Moreno contacted. Witness [redacted] was interviewed by OSS Detectives [redacted] #[redacted] and [redacted] #[redacted] on February 3, 2012, at approximately 2320 hours. During the interview, Witness [redacted] identified Suspect Lozano in a photo line-up ***[Exhibit D]***.

Witness [redacted] said she and her [redacted] Witness [redacted] were hanging out in front of an apartment complex located on Cedar Street with Witness [redacted] Witness [redacted] sat in the right passenger seat of her parked car (1991 Lexus CA License #[redacted], listening to music.

A male Hispanic approached the group and introduced himself as "Fox", and spoke to Witness [redacted] and Witness [redacted] as he smoked a cigarette. Witness [redacted] did not pay attention to what the males were discussing, because her [redacted] did not like her being involved in his conversations with others. Witness [redacted] said some friends had been at the location prior to Suspect Lozano's arrival and had left beer with them. She believed Witness [redacted] was drinking beer and the unopened beer cans were placed in the rear seat of her car.

As Witness [redacted] sat in her car, she saw a patrol car approach from the rear in her vehicle's rearview mirror. When she saw the patrol car approach, she did not notify the other members of the group, because they were used to being contacted by the deputies. The patrol car had its headlights on and it was dark. Witness [redacted] explained normal protocol was that deputies would stop and contact the group.

When the patrol car approached Witness [redacted] Witness [redacted] and Suspect Lozano were seated on the sidewalk. Suspect Lozano immediately ran from the deputies toward Willowbrook Avenue and then south to the rear of the apartment building. Witness [redacted] heard one of the deputies saying something to the suspect as he ran and she could not see where the suspect's hands were located. Witness [redacted] said after the deputies chased the suspect to the rear of the apartment, she heard two or three gunshots. She and the others ran toward the rear of the apartment to see what occurred.

Witness [redacted] said one of the deputies ran to the patrol car and drove away. The second deputy told the group to back up. Witness [redacted] and the others complied and returned to their original location. The second deputy returned to the street and spoke on his portable radio. An additional patrol car responded to the location and detained her, Witness [redacted] and Witness [redacted]

WITNESS [redacted]

Witness [redacted] was a member of the group Deputies Aviles and Moreno contacted. Witness [redacted] was interviewed by OSS Detectives [redacted] # [redacted] and [redacted] # [redacted] on February 4, 2012, at approximately 0005 hours. During the interview, Witness [redacted] refused to identify Suspect Lozano in a photo lineup.

Witness [redacted] said his [redacted] Witness [redacted], and Witness [redacted] who he knows as "[redacted]", were hanging out and drinking beer in front of an apartment building on Cedar Street. Witness [redacted] sat on the curb next to Witness [redacted] car. Witness [redacted] was seated in the car or leaning against it and he believed Witness [redacted] was seated in the back seat of the car.

As the three were located on Cedar Street, a former crime partner of his named "Fox", identified as Suspect Lozano, walked up to the group and asked Witness [redacted] for a cigarette. Witness [redacted] gave the suspect a cigarette and offered him a beer. Witness [redacted] was unsure if the suspect took a beer. Shortly after the suspect arrived, a patrol car with two deputies arrived.

The deputies exited the patrol car and told the group to put their hands up. Suspect Lozano immediately ran from the deputies toward Willowbrook Avenue and then south to the rear of the apartment building. Both deputies chased the suspect to the rear of the apartment building, out of sight. Witness [redacted] could not see if the suspect held

something with his hands as he ran. He heard gunshots at the rear of the building and the group ran to corner of the apartment to see what had occurred.

As the group attempted to see what had happened, the deputies ran back toward the street. A deputy told the group they were going to be taken in for attempted murder on a police officer.

Witness [redacted] said the deputies had captured the suspect that had ran from them, but he would not participate in identifying the suspect in a photo lineup.

WITNESS [redacted]

Witness [redacted] was a member of the group Deputies Aviles and Moreno contacted. Witness [redacted] was interviewed by OSS Detectives [redacted] #[redacted] and [redacted] #[redacted] on February 4, 2012, at approximately 0050 hours. During the interview, Witness [redacted] refused to identify Suspect Lozano when shown a photo lineup.

Witness [redacted] said he has been a Tortilla Flats gang member since he was fifteen years old and is known as "[redacted]". Witness [redacted] was hanging out at [redacted] East Cedar Street with Witness [redacted] and Witness [redacted]. Witness [redacted] was seated in her parked car listening to music. Witness [redacted] and Witness [redacted] were sitting on the sidewalk drinking beer when a male Hispanic known as "Fox", later identified as Suspect Lozano, approached them on foot.

Witness [redacted] had met Suspect Lozano several years prior. When the suspect approached them, he spoke to Witness [redacted] and asked him for a cigarette. Witness [redacted] gave the suspect a cigarette and the two spoke privately and smoked their cigarettes. When Witness [redacted] and the suspect finished their private conversation, Witness [redacted] sat next to him and the suspect sat on the other side of Witness [redacted]

As the three sat on the sidewalk, a patrol car approached the group from Willowbrook Avenue. As the patrol car approached, a light was shined on the group and a deputy told them to raise their hands. Witness [redacted] Witnesses [redacted] and Witness [redacted] raised their hands. The suspect did not raise his hands and immediately ran toward the rear of the apartment building and both deputies ran after him.

Witness [redacted] heard the deputies telling the suspect to stop running. When the suspect and the deputies ran to the rear of the apartment, the rest of the group did not run away. Witness [redacted] heard two gunshots from the rear of the apartment, so he and the others began to run to the rear of the apartment to see if the deputies had shot the suspect.

As they ran toward the side of the apartment, one deputy ran past them and drove the patrol car away. The second deputy stayed in the area and told them not to move.

Witness [redacted] said he did not know if the suspect had a gun or why he ran from the deputies.

WITNESS [redacted]
*Witness [redacted] was located in his apartment at the time of the incident. Witness [redacted] told Deputy [redacted] #[redacted] that he was located in his apartment when he saw a deputy chasing a male Hispanic and telling the suspect to stop. Deputy [redacted] authored a Supplemental Report **[Exhibit A]** regarding the Witness [redacted] statement. On May 9, 2012, IAB Sergeant Chad Smeltzer interviewed Witness [redacted] to determine if he could provide any additional information.*

Witness [redacted] said he was seated in the kitchen eating dinner with his [redacted] He heard a voice telling someone to stop and he heard two gunshots. He did not see anyone shoot a weapon. After hearing the gunshots, Witness [redacted] told his [redacted] to move into the livingroom and lay on the floor.

When he heard the gunshots, the kitchen door was open and the black metal security door was closed. He closed his kitchen door, which opened into the rear parking lot. He looked out the window and saw one deputy in the rear parking lot. Within five to ten minutes, several more deputies arrived and searched for the suspect.

Witness [redacted] did not see anyone stand on a parked vehicle, jump over the rear fence or anyone holding a firearm.

Witness [redacted] saw a man standing alone in the rear parking lot when he came home from work prior to the shooting incident.

SUSPECT RAMIRO LOZANO
*On February 4, 2012, Compton OSS Detectives [redacted] #[redacted] and [redacted] #[redacted] interviewed Suspect Ramiro Lozano. Suspect Lozano was advised of his Miranda rights. Suspect Lozano requested to speak to a lawyer several times during the interview, but continued to provide details of the incident after he requested to speak to a lawyer. He signed a Admonition and Waiver of Rights form **[Exhibit N]**, stating he refused to speak about the incident.*

Suspect Lozano said he is a drop out Tortilla Flats gang member. He was talking with some people when a car approached. He said the other people with him, jumped up and he did not know if he was being set up so he began to run. He did not realize the car was a Sheriff's Department patrol car.

As he ran, he held onto his cellular phone. He did not look back to see who was chasing him. He jumped over a fence and used both of his hands to jump the fence. As he jumped over the fence, he heard two gunshots as someone shot at him. He said he did not point any weapon at a deputy and he did not have a gun.

As he ran through various properties a "Ghetto", dog described as a pit bull, attacked and bit him. He said he was injured from the dog and was bitten on his legs and on the left middle finger. He continued to run and concealed himself underneath a truck, fearing he would be shot.

Suspect Lozano said he did not assault any deputies and whoever shot at him may have done it accidentally, but wouldn't confess to it and was covering their ass. He said he was on [redacted] Suspect Lozano said he had not used any drugs, but had drank some beer. Suspect Lozano said he is right handed.

As he ran, he lost his eye glasses, notebook and his cellular phone.

<u>**ADDITIONAL INFORMATION**</u>

Compton Station personnel provided a copy of the Foot Pursuit Evaluation form **[Exhibit M]**.

IAB Sergeant Chad Smeltzer attempted an interview with Suspect Lozano on May 9, 2012, which was recorded under job # 34502.

An search of the shooting scene and containment area for a firearm met with negative results.